

# EXHIBIT JJJ

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Via Fax No. 599-2979

**Re: Wayne Berry v. Hawaiian Express Service, et al.,  
Civ. No. CV03-00385 SOM-LEK  
Re: Recon of Guidance Materials Order**

Dear Mr. Matsui:

I am writing regarding Mr. Capozzola's letter and request leave to respond to one issue raised by Mr. Capozzola.

For many months the PCT has repeatedly come back to the NTI issue claiming that Mr. Berry was wrong to suspect that NTI was not the neutral forensic examiner that the PCT claims they were. Now the PCT once again raises this as a reason to allow C&S to pass through this case with numerous copies of Mr. Berry's works.

The following is derived from the Guidance Before materials that have been provided to Mr. Berry's counsel. They evidence that, on 2/21/03, in the week before the trial in the first case commenced, Mark Dillon (his machine was 136) was exploring the web site of this alleged neutral examiner.

**Computer Forensics - NTI Training, Tools and Consulting.url**

**2/21/2003**

**Size: 136 bytes**

**Folder: \Suspect Files - Before Exported\Fleming Computer 07 FHL 136**

Very truly yours,

LYNCH ICHIDA THOMPSON KIM & HIROTA

A handwritten signature in black ink, appearing to read 'Timothy J. Hogan', with a large, stylized initial 'T' and 'H'.

Timothy J. Hogan

TJH:llk

cc Counsel via email